



# **Michigan Department of Agriculture**

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## **RIGHT TO FARM PROGRAM FISCAL YEAR REPORT 2010**

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Environmental Stewardship Division

# Right to Farm

## FY 2010 Report

The Right to Farm (RTF) law is administered by the Michigan Department of Agriculture (MDA) in the Environmental Stewardship Division. The RTF Program is comprised of two parts, environmental complaint response, and site selection and odor control for new and expanding livestock production facilities.

The complaint response program began in 1986 and was initiated to address farm related environmental complaints received by MDA. Through this program, producers and complainants alike, receive education regarding Generally Accepted Agricultural and Management Practices (GAAMPs) as they relate to on-farm production agriculture and protection of the environment. The GAAMPs that have been developed are as follows:

- 1) 1988 Manure Management and Utilization
- 2) 1991 Pesticide Utilization and Pest Control
- 3) 1993 Nutrient Utilization
- 4) 1995 Care of Farm Animals
- 5) 1996 Cranberry Production
- 6) 2000 Site Selection & Odor Control for New/Expanding Livestock Facilities
- 7) 2003 Irrigation Water Use
- 8) 2010 Farm Markets

While complaint response activities determine verified environmental problems, they are also a very effective mechanism for farmers to implement the necessary corrective management practices to fix those problems, bring their farm operations into conformance with GAAMPs, and as such, earn nuisance protection under the RTF law. Coordination with other agencies and RTF follow up inspections track the progress of farmers and document completion of projects.

The site selection portion of the program helps producers carefully plan, site, build, and manage their new or expanding livestock facilities in a manner that protects natural resources, controls odors, and enhances neighbor relations.

Working with farmers to develop and implement farm specific Manure Management System Plans (MMSP), verification of a farm's conformance with GAAMPs for Site Selection and Odor Control, and distribution of thousands of sets of GAAMPs to farmers all across the state, are each important ways the RTF Program works with agricultural producers and contributes to Michigan's overall pollution prevention strategy.

The Right to Farm approach to investigate and resolve environmental complaints about activities and conditions on Michigan farms utilizes awareness, education, and technical assistance in partnership with other agencies. The Right to Farm Program advocates the sound environmental stewardship practices included in the GAAMPs. This is the most cost effective method for farmers to achieve compliance with environmental laws and earn nuisance protection under the RTF Act.

All eight sets of GAAMPs and other information about the Right to Farm Program are available at MDA's web site at: <http://www.michigan.gov/gaamps>.

## Right to Farm Program Environmental Complaint Response

In Fiscal Year (FY) 2010 the Michigan Department of Agriculture (MDA) Right to Farm (RTF) Environmental Complaint Response Program conducted 151 investigations, primarily in response to 132 new complaints and 19 requests for pro-active inspections. Complaints are received from the public, the Michigan Department of Environmental Quality (MDEQ) and other agencies. The 19 pro-active inspection requests were from farmers seeking RTF GAAMPs determinations at their farm operations. In addition, RTF follow up inspections were conducted at farms where changes were needed in order for that farm operation to conform to the GAAMPs.

**Table 1.** Total investigations per fiscal year

<b>Fiscal Year</b>	<b>Total Investigations</b>	<b>Follow Up Inspections</b>
FY 2010	151	99
FY 2009	152	109
FY 2008	143	105
FY 2007	164	145
FY 2006	174	140
FY 2005	174	134
FY 2004	131	102
FY 2003	127	162
FY 2002	145	231
FY 2001	157	135

During FY 2010, Right to Farm complaints came from 51 counties all across Michigan. Ionia County tops the list with 7 complaints followed by Branch, Jackson, Tuscola, and Washtenaw Counties with six complaints each. Bay, Calhoun, Gratiot, Hillsdale, Kalamazoo, and Montcalm Counties have five complaints each. Other counties recording several complaints include Allegan, Barry, Clinton, Genesee,

Huron, Lapeer, Livingston, Monroe, St. Clair and St. Joseph, each with four complaints.

This report includes a table of accomplishments with corrective farm management practices grouped by the major resources of surface water, air quality, and groundwater, and the measurable results of each farmer's work to implement those practices. In addition, management plans are an effective way for producers to maintain those practices, sustain their farm operations, and prevent pollution. Throughout this report, the tables and figures provide numbers and percentages based on the total number of new complaints. In FY 2010, investigations conducted in response to proactive requests by the producers have been included in the reported information. Beginning in FY 2004, RTF received five proactive requests. Each year since that time, there have been requests from farmers for MDA to conduct proactive investigations and make GAAMPs determinations with the highest number requested so far in FY 2010 with nineteen. Some of the charts, graphs, and tables show this information; however, if it is not specified, then the nineteen proactive inspections conducted in FY 2010 were not included.

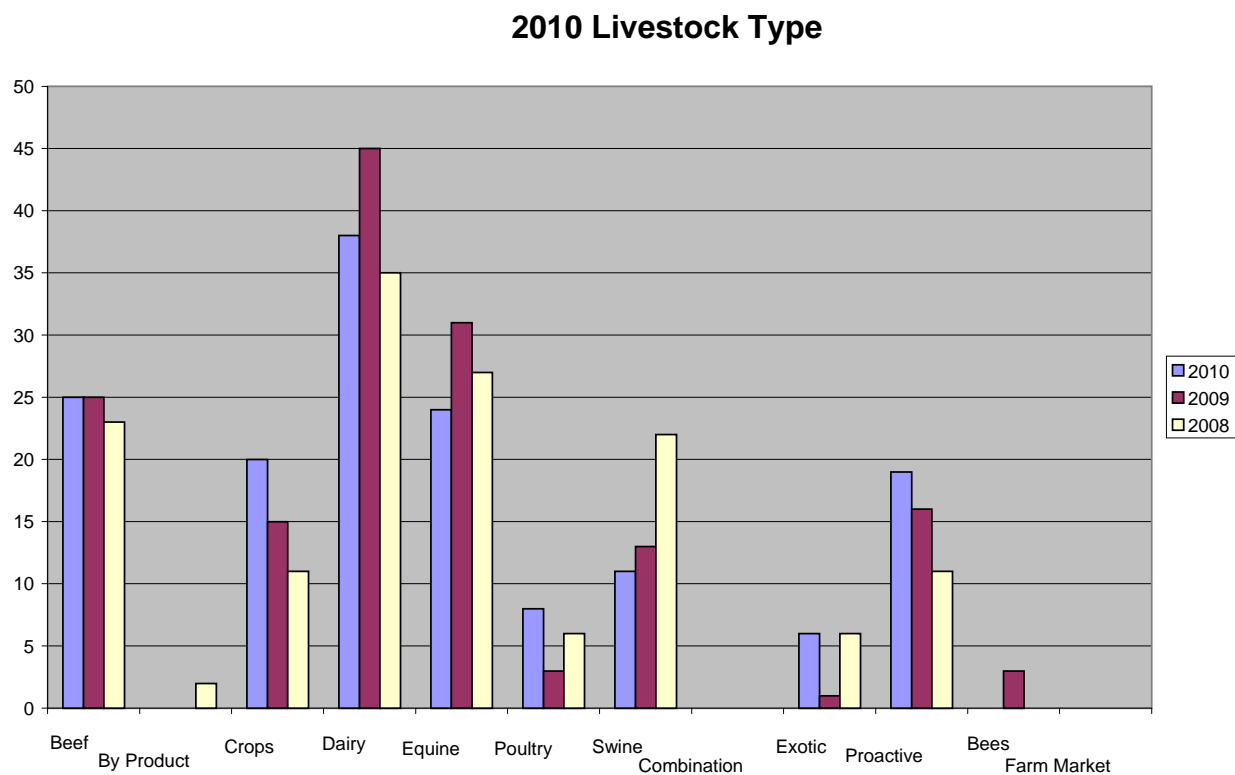
### **Enterprise Type**

As shown in Table 2, in FY 2010, complaints regarding dairy, beef and equine (horse) farms continue to show the highest numbers. As in most previous years, about one third of the complaints involved dairy farm operations, which is the highest percentage compared to all other farm enterprise types. The number of complaints involving beef operations rose slightly from 18 percent to 19 percent, while complaints involving equine facilities fell from 23 percent to 18 percent of the total complaints. During FY 2010, complaints about cropping practices on farms rose again to 15 percent of the total, compared to 12% for FY 2009.

**Table 2.** RTF complaints by enterprise type for fiscal years 2007 through 2010

Comparison of Complaints between Enterprise Types (Percent)				
	2010	2009	2008	2007
Beef	19	18	17	20
By-Products <sup>1</sup>	0	0	2	3
Crops <sup>2</sup>	15	12	8	10
Dairy	29	33	27	29
Equine	18	23	21	16
Poultry	6	2	4	4
Swine	8	9	17	8
Combination <sup>3</sup>	0	0	0	3
Exotic <sup>4</sup>	5	3	4	7

**Figure 1.** Number of complaints by enterprise type per fiscal year



<sup>1</sup> By-products from fruit and vegetable food processing

<sup>2</sup> Crops refer to complaints concerning fertilizer, soil erosion, and crop production practices

<sup>3</sup> Two or more species included in complaint-since 2008, enterprise type has been classified based on the primary enterprise at the farm

<sup>4</sup> Includes alpacas, bees, deer, llamas, and sheep

### **Resource Concerns**

Table 3 shows the complaint types by resource concerns as a percentage of the total. Surface water and air quality have always been the top two complaint types. Over the past 20 years, MDA has collected and analyzed data regarding types of environmental complaints and associated resource concerns. Up until FY 2005, surface water was always the number one environmental resource concern. Since then, the average annual total number of complaints has increased 25 percent over the previous ten-year annual average. Another recent trend is that from FY 2005 through FY 2008 air quality complaints rose significantly and exceeded surface water complaints. Again, between FY 2009 and FY 2010 surface water complaints declined to 45 percent of the total, while air quality complaints increased sharply from 35 percent to 54 percent.

**Table 3.** Environmental complaint concerns for fiscal years 2007 through 2010

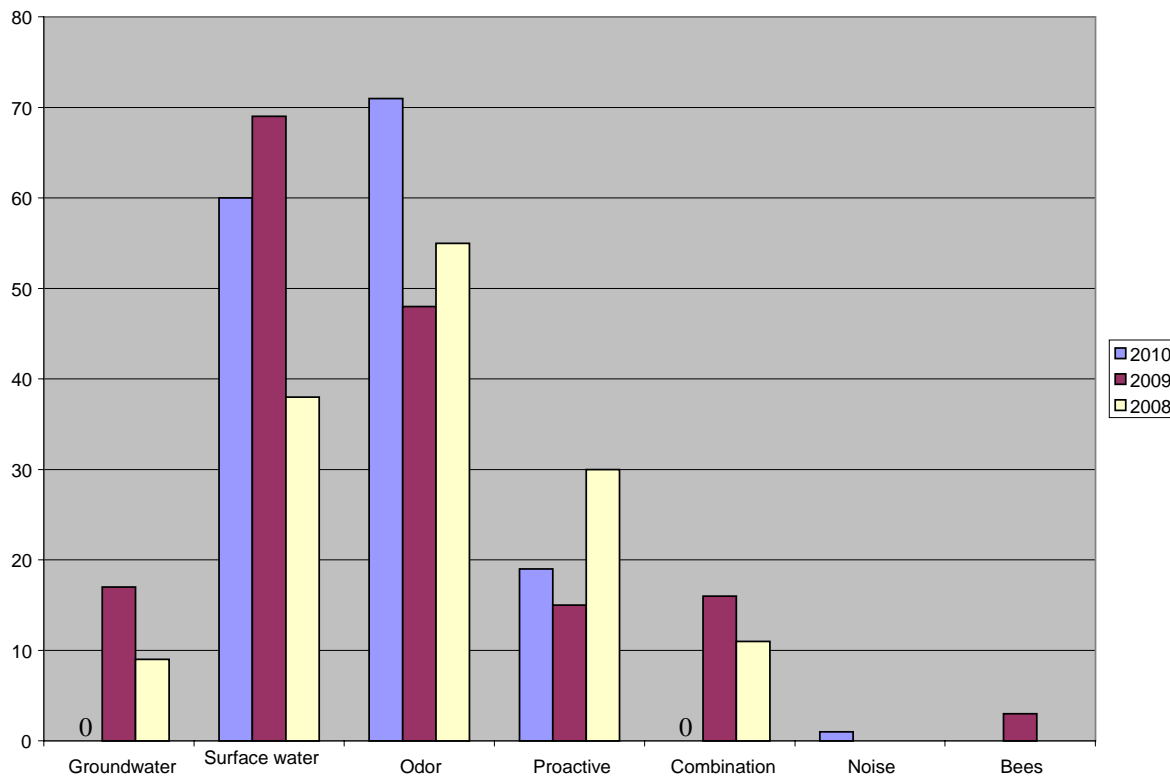
Comparison of Complaints Types (Percent)				
	<b>2010</b>	<b>2009</b>	<b>2008</b>	<b>2007</b>
Air Quality	54	35	42	47
Groundwater	0	13	7	12
Surface Water	45	50	29	28
Combination <sup>5</sup>	0	0	23	10
Bees	0	2	0	3
Noise	1	0	0	0

Surface water complaints often include concerns about stream bank erosion and manure runoff from livestock with uncontrolled access to streams, barnyard manure runoff to roadside ditches, and potential manure runoff from crop fields to drainage ditches or field tiles. Air quality complaints usually involve excessive manure odors and sometimes include concerns about flies and dust. Historically, groundwater has been a single resource concern in only a small percentage of the complaints. Combination complaints typically involve both surface water and air quality concerns. Most of the complaints classified as combination were about manure odors and the potential for manure runoff to surface waters.

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<sup>5</sup> Two or more resource concerns cited in complaint

**Figure 2.** Number of complaints by resource type per fiscal year



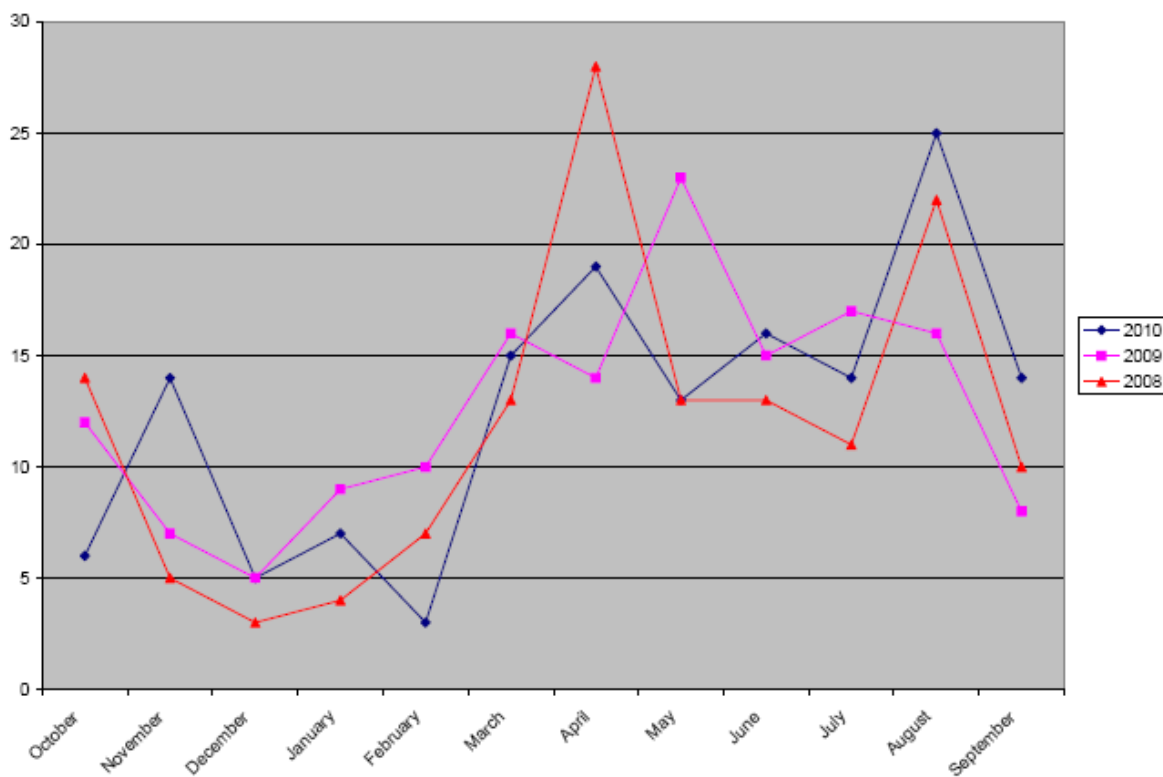
The overall increase in the number of complaints received in the Right to Farm Program in the past five years may be related to an increase in the general public's interest in agriculture and environmental awareness. A memorandum of understanding (MOU) between the Michigan Department of Environmental Quality (MDEQ) and MDA directs most non-point source pollution and nuisance complaints about farm operations to the RTF environmental complaint response program. This program is also recognized by other state and local agencies as a very effective way to respond to and resolve many of the environmental complaints concerning farm operations across Michigan.



### Distribution of Investigations

The seasonal distribution of investigations, both complaints and pro-active requests, for the last three fiscal years is illustrated in Figure 3 below.

**Figure 3.** Number of investigations by month per fiscal year



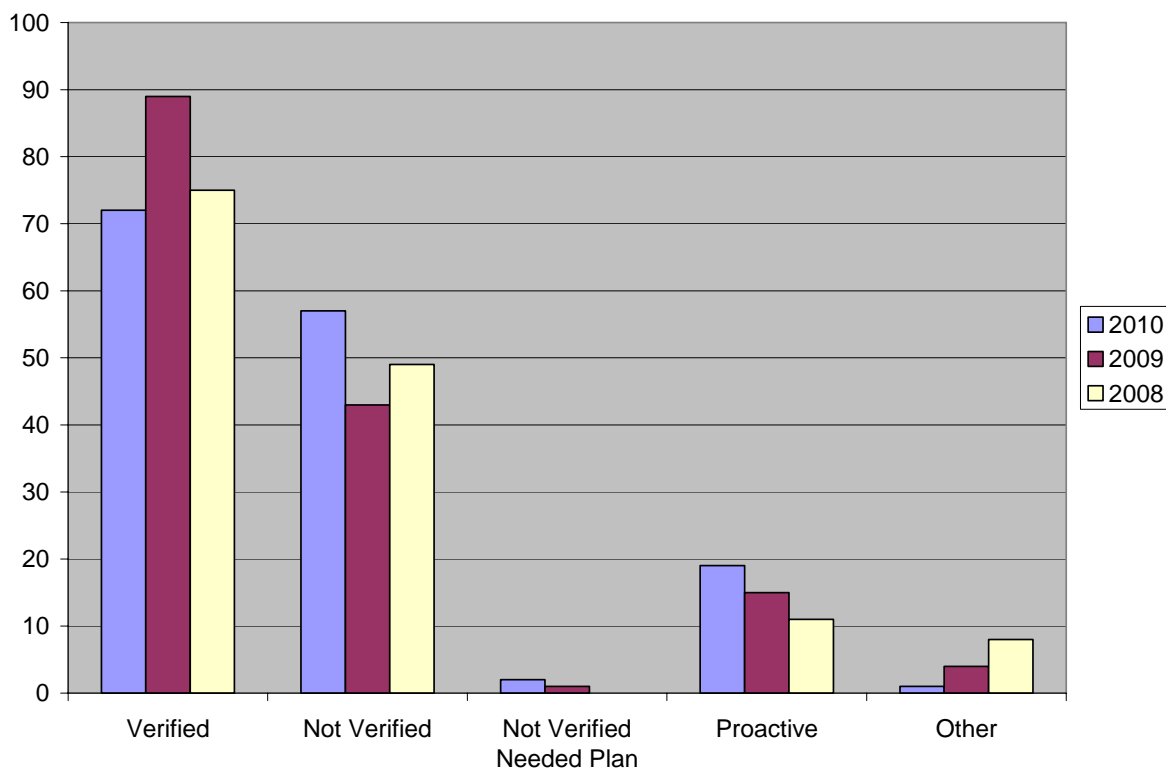
Some of these variations can be attributed to seasonal or annual weather conditions. Another factor is the increased manure storage capacity of a growing number of large livestock facilities, coupled with their Comprehensive Nutrient Management Plans (CNMPs) which minimize manure applications to frozen or snow covered soils. The net result is more manure applied to cropland during spring and fall months, and the subsequent complaints about the potential for manure runoff and odors associated with manure applications to crop land.

### Verified vs. Not Verified Complaints

Figure 4 illustrates the changes in number of verified complaints over the past three fiscal years. Right to Farm inspections are comprehensive reviews of all GAAMPs that apply to the farm and, as such, utilize a whole farm approach. This approach contributes to Michigan's pollution prevention strategy and will help farmers avoid complaints in the future.

In some cases, where after an on-site inspection the complaint was not verified but the farm operation was not following a written Manure Management System Plan (MMSP), the producer was asked to develop and implement a plan. RTF staff then determined if the producer was following all the GAAMPs that apply to their farm operation. Proactive inspections, as well as those complaints that were not verified but the farm facility needed an MMSP, are also shown here. In each of the past three years, a majority of the complaints have been verified.

**Figure 4.** Number of Verified vs. Not Verified complaints



**Table 4.** Comparison of Verified versus Not Verified complaints per year

<b>Fiscal Year</b>	<b>Verified versus Not Verified (Percent)</b>
FY 2010	55 : 43 (remaining 2% for Not Verified Needed Plan)
FY 2009	65 : 32 (remaining 1% for Not Verified Needed Plan and 2% for other)
FY 2008	57 : 37 (remaining 6% for Other)
FY 2007	59 : 37 (remaining 1% for Not Verified Needed Plan and 3% for other)
FY 2006	51 : 45 (remaining 2% for Not Verified Needed Plan and 2% for other)
FY 2005	43 : 50 (remaining 4% for Not Verified Needed Plan and 3% for other)
FY 2004	60 : 34 (remaining 6% for Not Verified Needed Plan)
FY 2003	73 : 27
FY 2002	77 : 23
FY 2001	61 : 39

RTF Program files classified as “Not Verified” are cases where the MDA complaint investigation found that the conditions and activities observed on the farm, and the documentation provided, demonstrate conformance to all GAAMPs that apply. MDA determined those complaints were not verified; and as such, the files were closed.

When complaints are verified, or further documentation is needed to determine conformance to the applicable GAAMPs, then an MDA RTF follow-up inspection is scheduled and conducted to review the effectiveness of the changes that have been implemented, and the provisions of the farm's written management plan. Depending on the farm enterprise and level of detail needed to conform to GAAMPs, farms may utilize an MMSP, CNMP, Nutrient Management Plan (NMP), corrective management plan, manure spreading plan, etc. If the changes implemented have abated the source of the complaint and/or the required documentation is provided, then these cases are classified as “Abated”, and the file is closed.

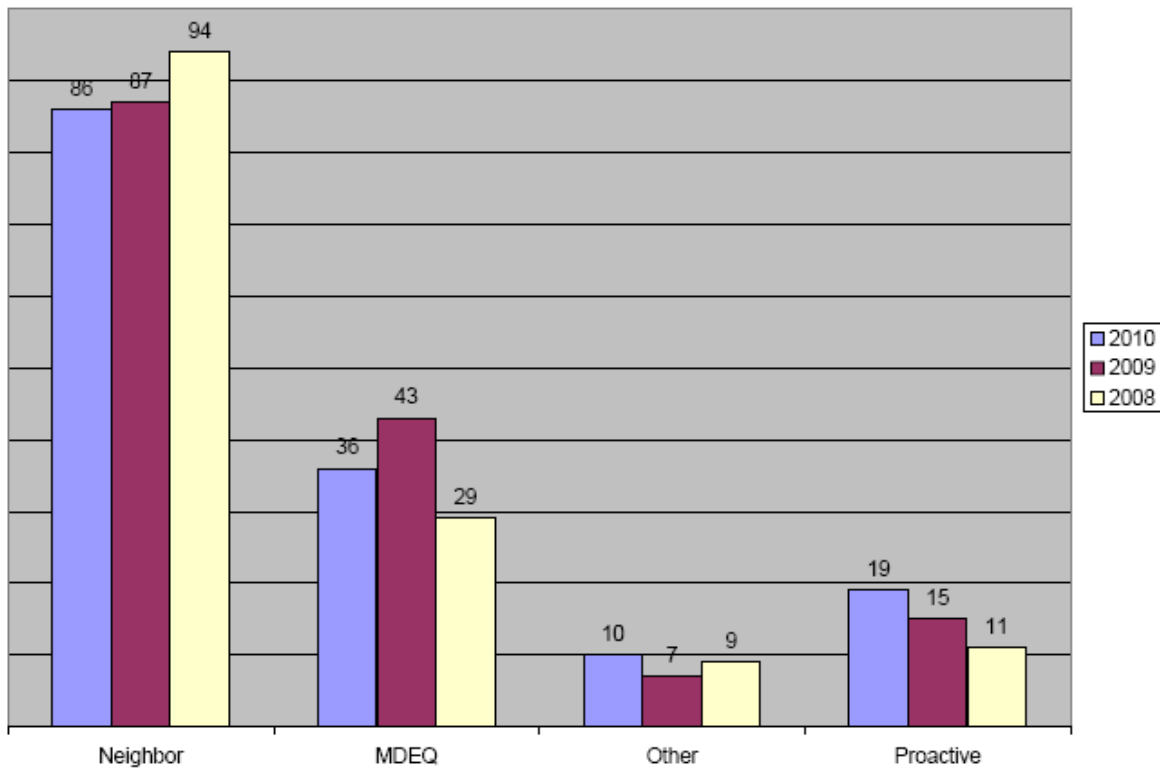
A complaint classified as “Not Verified Needed Plan” is a combination of the above. The details of a specific complaint were not verified at the time of MDA’s on-farm inspection; however, the farm had not yet developed and implemented a written Manure Management System Plan (MMSP). Therefore, MDA requested that the farmer develop an MMSP or a corrective management plan for their farm operation.

A “Proactive” request is one where a farmer has contacted MDA to request a Right to Farm determination regarding their farm operation. These producers want to make sure they are following all of the GAAMPs that apply to their farm operations. In these situations, while MDA has not received a formal complaint for investigation, we do require a written management plan be submitted for review and approval prior to scheduling an on-site farm inspection. When the Plan and farm records utilize GAAMPs and the MDA inspection confirms that the Plan and all applicable GAAMPs are being followed, then MDA provides the requested determination in a letter to the farm.

The classification “Other” refers to transferred or withdrawn cases. For verified complaints, if after a reasonable period of time, the necessary changes to bring the farm operation into conformance with GAAMPs have not been implemented, then MDA will consult with the Michigan Department of Environmental Quality (MDEQ) for an evaluation of compliance with Michigan’s environmental code and will usually refer the case for enforcement action. Farms whose complaint files have been referred or transferred are subject to applicable enforcement actions by the MDEQ. Withdrawn cases are those where the complainant chose to retract their initial complaint.

### Where Complaints Originate

**Figure 5.** Number of complainants by fiscal year



Urban encroachment, suburban sprawl, and more residential housing in rural, traditional farming areas, along with increased environmental awareness, all contribute to the trends depicted in Figure 5 above and Table 5 below. The percentage of complaints referred to MDA from the MDEQ increased considerably from 22% in FY 08 to 31% in FY 09. Complaints from neighbors remain the largest percentage of the total each year.

**Table 5.** Complainants in percentage by fiscal year

Fiscal Year	Total Complaints (Percent)		
	Neighbor	MDEQ	Other
FY 2010	65	27	8
FY 2009	64	31	5
FY 2008	71	22	7
FY 2007	68	20	12
FY 2006	60	31	9
FY 2005	60	25	15
FY 2004	59	35	6
FY 2003	61	28	11
FY 2002	68	29	3
FY 2001	81	15	4

### **Accomplishments**

The accomplishments outlined in the following table are the result of the cooperation and work from the farmers whose farm operations were identified in RTF complaints during FY 2010. These farmers utilized the RTF GAAMPs to implement sound management practices on their farms to utilize manure and other nutrients and control odors.

With assistance from Michigan State University Extension, local conservation districts, the USDA Natural Resources Conservation Service, and private sector plan writers, many farmers developed and implemented Manure Management System Plans (MMSPs). The MMSPs on these farms are excellent tools to manage manure and other nutrients, control odors, and prevent pollution.

**Table 6.** Agricultural management practices implemented in response to RTF complaints for fiscal year 2010.

Corrective Practices	Results
<b>Surface water quality protection</b>	
Livestock excluded from surface water	469 Animal Units
Stream bank fencing installed	4 Projects
Feet of stream bank fencing installed	12180 Feet
Controlled watering access sites installed	0
Vegetative buffer/filter areas installed	10
<b>Runoff control/groundwater protection</b>	
Runoff control structures installed	10
Number of farms that utilized stockpiled manure/by-products	12
Number of fields on which manure was incorporated	4
Number of farms that provided soil tests	5
<b>Pollution prevention</b>	
Manure Management System Plans (MMSP) or Nutrient Management Plans (NMPs) developed and implemented	8
Animal Units covered by Plans	670
Application acres covered by Plans	1392
<b>Proactive</b>	
Proactive inspections	19
<b>Other</b>	
Installed new manure storage	1
Milk house and parlor wastewater management plan	1
Cows sold	1

FY 2010





**Right to Farm - Site Selection and Odor Control for  
New and Expanding Livestock Facilities**

FY 2010

The Generally Accepted Agricultural and Management Practices for Site Selection and Odor Control for New and Expanding Livestock Production Facilities (Site Selection GAAMPs) were first adopted in June of 2000. The development of Site Selection GAAMPs and the preemption of local ordinances that extend or conflict with GAAMPs were two major changes to the Michigan Right to Farm Act when it was amended in 1999. Since June 2000, the Site Selection GAAMPs have been utilized by over 300 producers in selecting the best site to construct a new facility or expand their existing facility.

The Site Selection GAAMPs verification process begins with a livestock producer submitting a verification request to MDA to construct a new or expand an existing livestock facility. The verification request consists of a detailed site plan, a Manure Management System Plan (MMSP), construction drawings and specifications, a subsurface soils investigation, and an Odor Management Plan that includes the results of the Michigan OFFSET Model for the proposed facility.

When the verification request is received, MDA sends a letter to the producer acknowledging receipt of their request; and a copy of this letter is sent to the township of the proposed site. After the verification request is thoroughly reviewed, MDA schedules and conducts an inspection of the site to discuss the proposed project with the farmer. Upon completion of this process, if all of the information requirements in the Site Selection GAAMPs application checklist are provided, then MDA sends a letter to the livestock producer approving their verification request; and a copy of this letter is sent to the township.

MDA may conduct interim inspections to ensure that approved construction standards are being met. When the project is completed, and, for some new operations, before the facility is populated with livestock, MDA will conduct a final inspection to verify the facility was constructed according to the approved verification request.

MDA received a total of 14 verification requests in FY 2010. Table 7 outlines the verification requests received based on livestock type and new or expanding facilities.

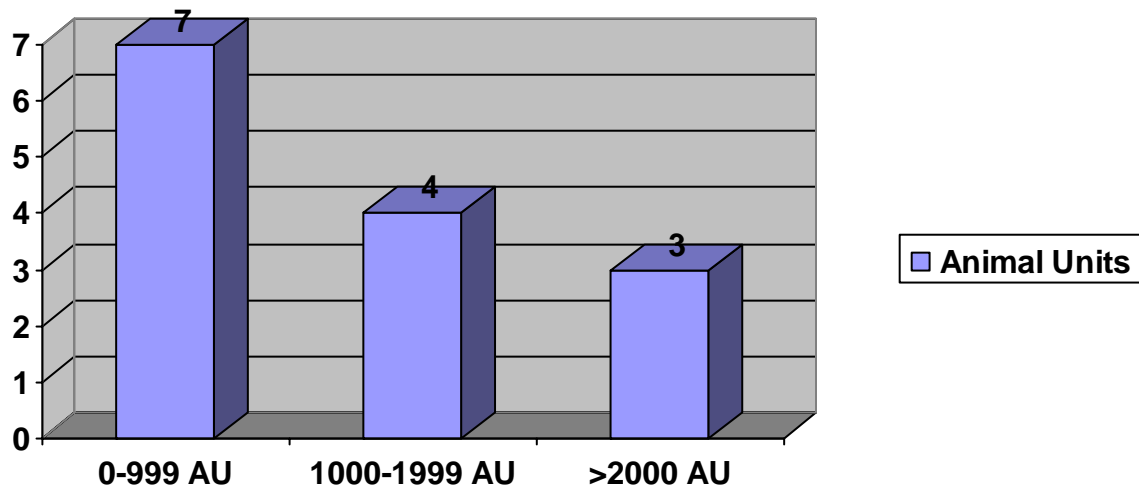
**Table 7.** Verification requests by livestock species

<b>Dairy</b>		<b>Swine</b>		<b>Poultry</b>		<b>Manure Storage</b>	
Total = 6		Total = 5		Total = 2		Total = 1	
Expanding	New	Expanding	New	Expanding	New	Expanding	New
3	3	3	2	2	0	0	1

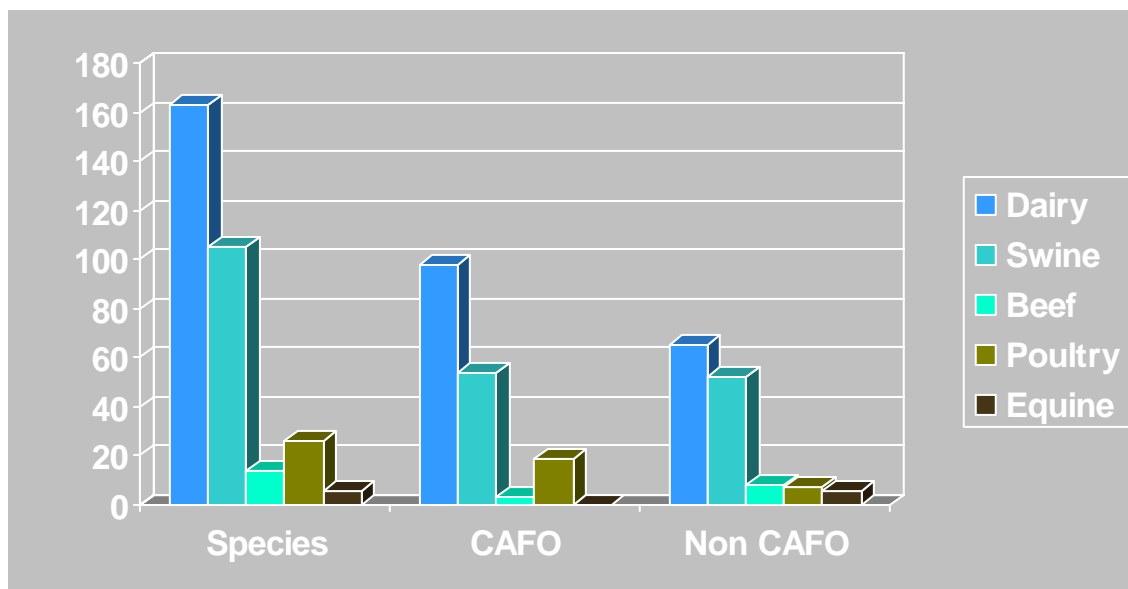
Of the verifications for dairy farms, 3 were expansions and 3 were for new facilities. For swine operations there were two new and three expanding facilities. Verification requests were also received for two expanding poultry facilities, and one new manure storage facility.

From the total 14 site selection verification requests, 8 were for expanding facilities and six were for new facilities. Of the 14 total farms, 7 requests were for facilities designed to house 0-999 Animal Units (AU), four were for 1000-1999 AU facilities, and 3 were for facilities to house over 2000 AUs, as shown in Figure 8.

**Figure 8.** Verification requests by animal units



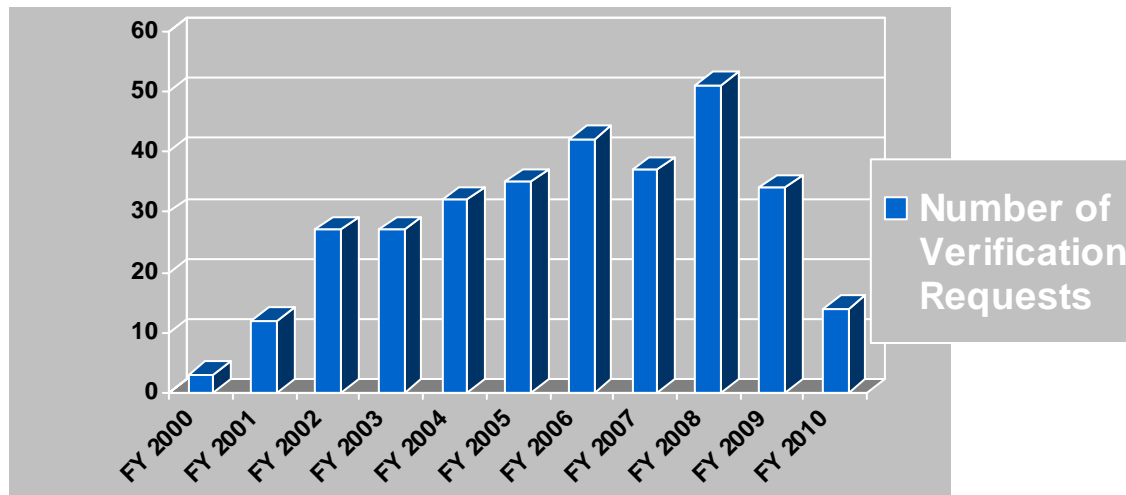
**Figure 9.** Verification Requests by Species, CAFO, and Non-CAFO since 2000.



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The number of verification requests since June of 2000 are shown in Figure 11.

**Figure 11.** Number of Site Selection verification requests per year



With growing farms, and greater environmental awareness by farmers and their non-farm neighbors, site selection for new and expanding livestock facilities has become a very important tool to address the environmental performance of farms and social concerns about animal agriculture in Michigan.

For further information regarding the Michigan Department of Agriculture's Right to Farm Program, please contact:

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